

FAMILY FACT SHEET

Sick Leave Use for Family Care

If You Earn Sick Leave, You May be Entitled to Use Half for Sick Family Members!

What Does the Law Provide?

Employers who provide sick leave are required to allow employees to use ½ of the sick leave, accrued during a 12-month period, to care for sick family members.

Family members are described as children, parents or spouse. As of January 2002, domestic partners are also covered.

Which Employers are Covered?

All employers in the state of California who provide sick leave.

Am I Covered by the Law?

You must work for a covered employer. You must be a full or part-time employee with accrued sick leave at the time you wish to take leave.

What Kind of Notice Must I Give My Employer?

All restrictions that an employer establishes for an employee's use of sick leave also apply to the use of sick leave to care for a family member. For example, if you are required to give 24 hours notice before taking a sick day, you are required to do the same when taking leave for your family.

What are the Obligations of My Employer under the Law?

Your employer cannot threaten you, discriminate against you, or fire you for exercising or attempting to exercise your use of sick leave to care for your sick child, parent, spouse, or domestic partner.

If your employer discriminates against you in any way or, fires you for taking time off to care for a sick family member, you are entitled to reinstatement and reimbursement of lost wages and benefits.

What Can I Do if My Employer Fails to Grant Leave Time?

Speak to your union representative. Inform yourself of your rights under Federal and State law and keep a written record of all actions taken by your employer. Contact the Legal Aid Society – Employment Law Center (see below)

For More Information on Your Rights Under the Law, Contact:

The Work and Family Project
The Legal Aid Society – Employment Law Center
(800) 880-8047 (*California calls only*)
415-864-8848 (*main number*)
www.las-elc.org

Sick Leave Use for Family Care is found under Section 233 of the California Labor Code.

This Family Fact Sheet is a publication of the Labor Project for Working Families and is intended to provide accurate information regarding the legal rights of California employees. However, do not rely on this information without consulting the Legal Aid Society – Employment Law Center, or another attorney, about your legal rights under the law.

This Family Fact Sheet is also available in Chinese and Spanish. Please call 510/643-7088.

Reprints permitted with acknowledgment.
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